

ARTHUR M. EIDELHOCH, Bar No. 168096
aeidelhoch@littler.com
GALEN M. LICHTENSTEIN, Bar No. 251274
glichtenstein@littler.com
LITTLER MENDELSON, P.C.
650 California Street
20th Floor
San Francisco, California 94108.2693
Telephone: 415.433.1940
Facsimile: 415.399.8490

JACQUELINE E. KALK (*Pro Hac Vice*)
jkalk@littler.com
LITTLER MENDELSON, P.C.
80 South 8th Street, Suite 1300
Minneapolis, MN 55402-2136
Telephone: 612.313.7645
Facsimile: 612.677.3139

Attorneys for Defendants
CROWDFLOWER, INC., LUKAS BIEWALD
AND CHRIS VAN PELT

William T. Payne (SBN 90988)
Ellen M. Doyle (*Pro Hac Vice*)
Edward J. Feinstein (*Pro Hac Vice*)
STEMBER FEINSTEIN DOYLE
PAYNE & KRAVEC, LLC
429 Forbes Avenue, 17th Floor
Pittsburgh, PA 15219
412-281-8400 (T), 412-281-1007 (F)
wpayne@stemberfeinstein.com
edoyle@stemberfeinstein.com
efeinstein@stemberfeinstein.com

Mark A. Potashnick (*Pro Hac Vice*)
WEINHAUS & POTASHNICK
11500 Olive Blvd., Suite 133
St. Louis, MO 63141
314-997-9150 (T), 314-997-9170 (F)
markp@wp-attorney.com

Ira Spiro (SBN 67641)
Jennifer Connor (SBN 241480)
Spiro Moore, LLP
11377 W. Olympic Blvd., 5th Floor
Los Angeles, CA 89064
310-235-2468 (T), 310-235-2456 (F)
ira@spiro.moore.com
Jennifer@spiro.moore.com

Attorneys for Plaintiff
CHRISTOPHER OTEY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHRISTOPHER OTEY, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

CROWDFLOWER, INC., LUKAS
BIEWALD and CHRIS VAN PELT,

Defendants.

Case No. 3:12-cv-05524-CRB

**STIPULATION AND ORDER RE:
HEARING AND BRIEFING DATES FOR
PENDING MOTIONS**

Civil Local Rule 6-2

Pursuant to Civil Local Rule 6-2, the undersigned, counsel of record for Plaintiff Christopher Otey ("Plaintiff") and Defendants CrowdFlower, Inc., Lukas Biewald, and Chris Van Pelt (collectively "Defendants"), do hereby agree and stipulate as follows:

1. That the hearing on Defendants' Motion to Bifurcate Discovery and to Stay Merits/Class Certification Discovery and Motions, currently scheduled for February 22, 2013 at 10:00 a.m., be continued to March 29, 2013 at 10:00 a.m.
2. That Plaintiff be provided a one-week extension, until February 7, 2013, to file an Opposition to Defendants' Motion to Bifurcate.
3. That Defendants' deadline to file a Reply in support of their Motion to Bifurcate be extended until February 14, 2013.
4. Should the Court grant Defendant' Motion to Bifurcate, the pending Motion for Conditional Collective Action Certification and Dissemination of Notice Pursuant to 29 U.S.C. § 216(b) will be taken off the calendar pending a ruling on the employer status issue. Should the Court instead decide to allow Defendants 90 days to conduct discovery prior to responding to the Motion for Conditional Collective Action Certification and Dissemination of Notice Pursuant to 29 U.S.C. § 216(b), Defendant's response will be set for May 31, 2013 and a hearing scheduled for June 29, 2013. Finally, should the Court deny Defendants' Motion to Bifurcate and the alternative relief requested, Defendants' response to the pending Motion for Conditional Collective Action Certification and Dissemination of Notice Pursuant to 29 U.S.C. § 216(b) be set for 21 days following such ruling.
5. That the Fair Labor Standards Act statute of limitations be tolled as to the putative collective action class members (namely: "all persons who, at any time in the last three years performed "crowdsourced" work in the United States, its territories, and all other places where the FLSA applies in response to any online request by CrowdFlower for "crowdsourced" work, or any online notification by CrowdFlower that "crowdsourced" work was available") until three weeks after the Court issues a ruling on Defendants' Motion to Bifurcate.

IT IS SO STIPULATED

Dated: January 30, 2013

LITTLER MENDELSON, P.C.

/s/ Jacqueline E. Kalk

JACQUELINE E. KALK

ARTHUR M. EIDELHOCH

GALEN M. LICHTENSTEIN

LITTLER MENDELSON, P.C.

Attorneys for Defendants

CROWDFLOWER, INC., LUKAS BIEWALD

AND CHRIS VAN PELT

Dated: January , 2013

WEINHAUS & POTASHNICK

/s/ Mark A. Potashnick

MARK A. POTASHNICK

Attorneys for Plaintiff

CHRISTOPHER OTEY

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: February 1, 2013

Firmwide:117884808.1 073860.1001

